

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte BAINES

Appeal No. 94-2518  
Application 07/702,615<sup>1</sup>

ORDER REMANDING TO EXAMINER

**MAILED**

**FEB 20 1996**

**PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES**

An Amendment After Final was filed by applicants on 5-25-94 (Paper No. 24). The Advisory Action entered 7/20/95 (Paper No. 25) indicated that such amendment to the specification will not be entered and was silent with respect to the amendment to the claims. A Response was filed by applicants on 8/1/94 (Paper No. 26) indicating that their interpretation of the Advisory Action was that the Amendment After Final was entered in part. A review of the record indicates the amendment was not entered.

Additionally, on 5/25/94 a Reply Brief (Paper No. 23) was filed in response to new points of argument raised in the Examiner's Answer entered 4/19/94 (Paper. No. 22). The examiner indicated by handwritten note that the Reply Brief was "noted."

<sup>1</sup> Application for patent filed 5/17/91.

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Section 1208.04 of The Manual of Patent Examining Procedure  
states:

The examiner should notify appellant of  
consideration of the reply brief using form  
paragraph 12.47.

There is no indication on the record that appellants were  
notified of the examiner's position.

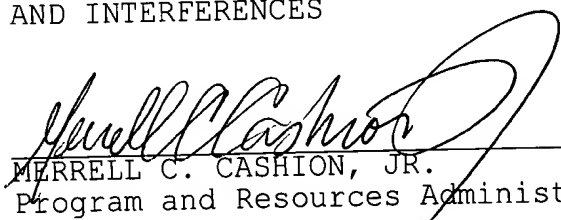
Accordingly, it is

ORDERED that the application is remanded to the  
Examiner for clarification of the status of the Amendment After  
Final filed 5/25/94, for notification to applicant in writing of  
the action taken, for appropriate notification of consideration  
of the Reply Brief and for such further action as may be  
appropriate.

The application, by virtue of its "special" status, requires  
immediate action. See Manual of Patent Examining Procedure,  
§ 708.01(d). It is important that the Board of Patent Appeals  
and Interferences be informed promptly of any action affecting  
the appeal.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:

  
MERRELL C. CASHION, JR.  
Program and Resources Administrator

Appeal No. 94-2518  
Application 07/702,615

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